

January 12, 2006 Adopted by State Emergency Response Commission **Note: Links exit DEP Website**



## Emergency Planning and Community Right-to-Know Local Emergency Planning Committee

### Roles and Responsibilities Guidance Check list

The Connecticut State Emergency Response Commission recognizes that many Local Emergency Planning Committees have elected to join Regional Emergency Planning Committees and to utilize the regional committee as their local Emergency Planning Committee. The federal Emergency Planning and Community Right-to-Know (EPCRA) authorized the creation of the Local Emergency Planning Committee's (LEPCs) as a means for local government, law enforcement, health officials, and emergency responders to work with chemical facilities, the media and community groups to develop formal plans for responding to chemical emergencies. The State Emergency Response Commission has designed this document to assist LEPCs in defining and/or clarifying their specific responsibilities as they relate to EPCRA and to provide a useable tool to use annually to ensure compliance with EPCRA. It should be noted that the federal and state mandates must be carried out either at the local level or at the regional level. Identified below is a table that contains a comprehensive listing of provisions and/or statutes from the EPCRA, Connecticut General Statutes (CGS) and U.S. Code Title 42, Chapter 116 citations (version generated from the most recent official version made available by the U.S. House of Representatives) and the 40 Federal Code of Regulations (40 CFR).

#### Local Emergency Planning Committee Mandatory Responsibilities Checklist

Mandatory Responsibilities	Performed at Local Level Date Achieved	Performed at Regional Level Date Achieved	Comments
<b>Establishment of State Commissions, Planning Districts and Local Committees</b>  <b>Establishment of Local Emergency Planning Committee</b> CGS, Section <a href="#">22a-601(b)</a> and Title 42, <a href="#">§11001</a> (c) -appoint members -appoint chairperson -establish committee rules -public notification of committee activities -public meetings to discuss the emergency plan -public comments -response to comments by committee -distribution of emergency plan -establish procedures for receiving and processing public requests and designate an informational coordinator			
<b>Comprehensive Emergency Response Plans</b> <b>Plan Required</b> Title 42, <a href="#">§11003</a> (a) <ul style="list-style-type: none"> <li>Complete preparation of an emergency plan not later than two years after October 17, 1986.</li> <li>Review emergency plan once a year or more frequently as changed</li> </ul>			

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<p>circumstances in the community/facility.</p> <p><b>Resources</b> Title 42, <a href="#">§ 11003</a> (b)</p> <ul style="list-style-type: none"> <li>Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan.</li> <li>Recommend additional resources that may be required and the costs of those resources.</li> </ul> <p><b>Plan Provisions</b> Title 42, <a href="#">§ 11003</a> (c) and CGS, Section <a href="#">22a-603</a>  <i>Refer to the Department of Emergency Management and Homeland Security website at <a href="http://www.ct.gov/demhs/cwp/view.asp?a=1928&amp;Q=287950">http://www.ct.gov/demhs/cwp/view.asp?a=1928&amp;Q=287950</a> for specific outline of plans.</i></p> <ul style="list-style-type: none"> <li>Identify facilities, routes to be used for transportation, additional facilities that may contribute additional risk.</li> <li>Methods and procedures to be followed by facility owners and operators, local emergency and medical personnel respond protocols.</li> <li>Designate community emergency coordinator.</li> <li>Emergency notification procedures</li> <li>Methodology used to determine the occurrence of a release, and the area or population likely affected by such release.</li> <li>Describe emergency equipment and facilities, and persons responsible for equipment and facilities.</li> <li>Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.</li> <li>Training programs, including schedules for training of local emergency response and medical personnel.</li> <li>Methods and schedules for exercising the emergency plan.</li> </ul> <p><b>Facility Subject to Providing of Information</b> Title 42, <a href="#">§ 11003</a> (d)(3)</p> <ul style="list-style-type: none"> <li>Request facility owner or operators to provide information necessary to develop and implement the emergency plan.</li> </ul> <p><b>Review by State Emergency Response Commission</b> Title 42, <a href="#">§ 11003</a> (e) and CGS, <a href="#">Section 22a-603</a> provision mandates the Department of Emergency Management and Homeland Security state emergency planning activities includes receipt of emergency plans for review.</p> <p><b>Review of Plans by Regional Response Teams</b> Title 42, Title 42, <a href="#">§ 11003</a> (g)  Provides authorization to the LEPC to request regional response teams review and comment of emergency plan or other issues related to operation, implementation or exercise of an emergency plan.</p>			

Mandatory Responsibilities	Performed at Local Level Date Achieved	Performed at Regional Level Date Achieved	Comments
<b>Public Availability of Plans, Data Sheets, Forms, and Follow-up Notices</b> Title 42, <a href="#">§11044</a> (a) <b>Availability to Public</b> <ul style="list-style-type: none"> <li>Establish procedures for receiving and processing requests for information pertaining to notification of accidental releases, emergency and hazardous chemical inventory forms. Make available to the general public during normal working hours. <ul style="list-style-type: none"> <li>Recipients of CERCLA Notice and 11002(a) substance and non-11002(a) substance Title 42, <a href="#">§11004</a> and CGS, <a href="#">Section 22a-607</a></li> <li>Follow-up Emergency Notice Title 42, <a href="#">§ 11004</a> (c) and CGS, <a href="#">Section 22a-608(c)</a></li> <li>Material Safety Data Sheets Title 42, <a href="#">§11041</a> and <a href="#">§11021</a> and CGS, <a href="#">Section 22a-609</a></li> <li>Emergency and Hazardous Chemical Inventory Form (Tier 2) <a href="#">§11022</a>, <a href="#">§11044</a> , <a href="#">§11042</a> and CGS, <a href="#">Section 22a-610</a></li> <li>Toxic chemical release forms <a href="#">§11023</a>, <a href="#">§11042</a> and CGS, <a href="#">Section 22a-611</a>.</li> </ul> </li> </ul>			
<b>Notice of Public Availability</b> Title 42, <a href="#">§ 11044</a> (b) <ul style="list-style-type: none"> <li>Publish a notice in local newspapers announcing the submission of the emergency response plan, and the receipts of material safety data sheets, notification and inventory forms and members of the public who wish to review materials may do so at a specific location.</li> </ul>			
<b>Integrate LEPC emergency plan with facilities, state, or federal emergency plans.</b> 29 CFR 1910.120(1)(2) (ii)-(2)(C); (p)(8)(ii)(A&B); (q)(2)(i) and (ii).			
<b>Civil Actions (2) State or Local Suits,</b> Title 42, <a href="#">§ 11046</a> (2) <ul style="list-style-type: none"> <li>Provides authority to LEPC to commence a civil action against an owner or operator of a facility for failure to provide information under Title 42, section 11003(d) or failure to submit tier II information under section 11022(e)(1).</li> </ul>			

January 12, 2006. The purpose of this document is to provide guidance on the Emergency Planning and Community Right-to-Know provisions. It is not authoritative legal guidance, for that, you will need to consult with a private attorney. It is not intended to be a binding statement as to the legal position of the state on any legal issues that may arise from any incident.